



U.S. Department of Justice

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Eastern District of Pennsylvania

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VEAL COMPANY CHARGED IN CASE OF TAINTED FEED

PHILADELPHIA - United States Attorney Michael L. Levy today announced the filing of an Information¹ against Select Veal Feeds, Inc., and its owner Wayne A. Marcho, charging the defendants with one count of misbranding, in violation of the Food, Drug and Cosmetic Act. The charge arises from the shipment of formaldehyde and potassium permanganate, between 1998 through 2005, which the defendants directed their contract farmers to use as part of the veal calves' feeding routine. Defendant Select Veal Feeds, Inc. is also charged with one count of obstructing an agency proceeding based on false statements to inspectors from the Food and Drug Administration ("FDA") in January 2004.

The veal business run by Wayne Marcho owned, raised, and slaughtered veal calves for human consumption. The veal business bought newborn veal calves, and contracted with farmers to raise the calves. According to the information, from 1998 through no later than May 2005, the defendants were directing the contract farmers to use feeding protocols that included the routine addition of formaldehyde and potassium permanganate to the veal calves' feed. These are "drugs" within the meaning of the FDCA, and they are not approved for use in veal calves. According to the information, Select Veal Feeds was shipping these drugs to the farmers without FDA-approved directions. This caused the drugs to be misbranded which is a violation of the FDCA. In January 2004, during the course of an inspection at Select Veal Feeds by the FDA, it is alleged that the veal business intentionally made false and misleading statements, intending to convince the inspectors that the formaldehyde was not being fed to the veal calves.

Because the veal business stopped requiring the routine use of formaldehyde and potassium permanganate by May 2005, at the latest, the government is not alleging any present danger to consumers or public health.

¹An Indictment or Information is an accusation. A defendant is presumed innocent unless and until proven guilty.

Also filed today in this matter is a memorandum from the government for entry of plea and sentencing, which gives further details about the case, and sets forth the terms of the defendants' plea agreements. The government is requesting that the Court set a date for the defendants to enter their pleas and impose sentence in accordance with the terms of these agreements.

INFORMATION REGARDING THE DEFENDANTS

NAME	ADDRESS	YEAR OF BIRTH
Wayne A. Marcho	Franconia, PA	1949
Select Veal Feeds, Inc.	Franconia, PA	

If convicted, defendant Wayne A. Marcho faces a maximum possible sentence of a one-year term of imprisonment; a fine of \$100,000, or twice the gross gain or gross loss, whichever is greater; a special assessment of \$25; restitution as ordered by the Court; and a one-year term of supervised release; in addition, forfeiture may be ordered. If convicted, defendant Select Veal Feeds, Inc. faces a maximum possible sentence of a fine of \$700,000, or twice the gross gain or gross loss, whichever is greater; a special assessment of \$525; a five-year term of Court supervision; restitution and forfeiture.

The case was investigated by the Office of Criminal Investigations of the Food and Drug Administration and the Office of the Inspector General of the Department of Agriculture. It is being prosecuted by Assistant United States Attorney Catherine Votaw.

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